

MICHAEL J. HADDAD (State Bar No. 189114)
JULIA SHERWIN (State Bar No. 189268)
HADDAD & SHERWIN
505 Seventeenth Street
Oakland, California 94612
Telephone: (510) 452-5500
Fax: (510) 452-5510

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LARRY WARREN, Individually,

Plaintiff,

vs.

CITY OF SANTA CRUZ, a public
entity, SANTA CRUZ CHIEF OF
POLICE HOWARD SKERRY, in his
individual and official capacities, and
DOES 1 through 10, Jointly and
Severally,

Defendants.

No. C08-01311-JW

**NOTICE AND MOTION FOR
WITHDRAWAL OF PLAINTIFF'S
COUNSEL; MEMORANDUM OF
POINTS AND AUTHORITIES; PROOF
OF SERVICE**

Date: June 23, 2008
Time: 9:00 am
Hon. James Ware

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

2 PLEASE TAKE NOTICE that on Monday, June 23, 2008, at 9:00 am, in the
3 Courtroom of the Honorable James Ware, United States District Court, 280 S. First
4 Street, Courtroom 8, San Jose, CA 95113-3008, a hearing will be held on the
5 motion of Plaintiff's counsel, HADDAD & SHERWIN, to withdraw as attorneys of
6 record in this matter.
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8 This motion is based on Civil Local Rule 11-5, this Notice and Motion, the
9 accompanying Memorandum of Points & Authorities in support thereof, the
10 Declaration in Support by Plaintiff Larry Warren, the evidence and testimony at the
11 trial of this matter, the court record, and such other matters as may be brought
12 before the Court at or before the hearing.
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18 DATED: May 10, 2008

HADDAD & SHERWIN

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20 /s/_____
21 Michael J. Haddad
22 Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

This is a civil rights/police misconduct case arising from an incident on May 7, 2007, where Plaintiff Warren claims he was subjected to excessive force by officers of the Santa Cruz Police Department, resulting in severe injuries including bone fractures. This case was filed on March 6, 2008. All Defendants have been served. By agreement of all counsel, Defendants have not yet answered.

Plaintiff's counsel, Haddad & Sherwin, have explained to Plaintiff Larry Warren that if he wishes to prosecute this case, his current counsel would need to withdraw, and he would need to find other counsel or represent herself in this matter. ***Plaintiff Larry Warren has signed a stipulation agreeing to this withdrawal and agreeing to appear in pro per until he can secure new counsel.*** (See Declaration of Larry Warren, filed herewith).

For reasons of client confidentiality, attorney-client privilege, and duty to Mr. Warren, his counsel, Haddad & Sherwin, cannot disclose to Defendants or in open court the reasons for their need to withdraw as Plaintiff's attorneys in this matter. However, irreconcilable differences exist between Plaintiff and his counsel about fundamental matters.

If the Court deems it necessary, Plaintiff's counsel may be able to discuss the reasons for their withdrawal *in camera*, with Mr. Warren's consent.

Plaintiff's counsel have served Mr. Warren with a copy of this motion and supporting papers.

For these reasons as required by Civil Local Rule 11-5, Plaintiff's counsel of record, Haddad & Sherwin, Michael J. Haddad, and Julia Sherwin, hereby request an

1 order allowing them to withdraw as attorneys of record for the Plaintiff in this matter. At
2 the request of Plaintiff Larry Warren, Plaintiff's counsel also request that Plaintiff Warren
3 be granted six (6) months, or some substantial amount of time that this court deems
4 appropriate, to retain other counsel. Plaintiff's counsel further request that discovery be
5 formally stayed for a reasonable time while Mr. Warren seeks new counsel.
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8 Respectfully Submitted,

9 DATED: May 10, 2008

HADDAD & SHERWIN

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11 /s/_____
12 MICHAEL J. HADDAD
13 Attorneys for Plaintiff
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PROOF OF SERVICE
(FRCivP 5 and 28 USC §1746)

Re: Larry Warren v. City of Santa Cruz, et al.
No. C08-01311-JW

I declare that: I am employed in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 505 Seventeenth Street, Oakland, California 94612.

On May 10, 2008, I served the attached PLAINTIFF'S COUNSEL'S NOTICE AND MOTION TO WITHDRAW AS ATTORNEYS OF RECORD; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF MICHAEL J. HADDAD IN SUPPORT; DECLARATION OF PLAINTIFF LARRY WARREN IN SUPPORT; (PROPOSED) ORDER on the parties in said cause, by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid, VIA U.S. MAIL, in Oakland, California, addressed as follows (or by ECF filing as indicated below):

Larry Warren
2990 Soquel Ave.
Santa Cruz, CA 95062

George J. Kovacevich
Barbara H. Choi
Atchison, Barisone, Condotti & Kovacevich
333 Church Street
Santa Cruz, CA 95060
(served by ECF filing)

I declare under penalty of perjury that the foregoing is true and correct and that on the date stated above, this declaration was executed at Oakland, California.

/s/_____
MICHAEL J. HADDAD